

# **1 INTRODUCTION**

## **1.1 OVERVIEW**

The Small Erosion Repair Program (SERP) is a collaborative interagency effort to develop a streamlined regulatory review and authorization process that will facilitate implementation of annual repairs of small erosion sites on levees within the Sacramento River Flood Control Project (SRFCP) area. The SRFCP contains approximately 900 to 1,000 miles of levees. For the initial 5-year (Phase 1) SERP effort, the coverage area is a subset of the SRFCP and represents approximately 300 miles of levees maintained by the California Department of Water Resources (DWR) (see Exhibit 2-1).

The term “levees” as used in this document is broadly defined to include levees and associated waterside slopes within the levee prism that are part of the SRFCP and addressed in operations and maintenance (O&M) manuals for identified flood management facilities maintained by DWR or other local maintaining agencies (LMAs).

To maintain the design integrity of the existing flood management system and to maintain or enhance fish and wildlife resources, levees with erosion damage that may lead to further loss of soil or potential failure should be repaired in a timely manner. Currently, small erosion repair projects require issuance of permits on a project-by-project basis. The multiple layers of agency authorizations and level of interagency coordination required for individual site repairs has generally resulted in long-term project delays up to several years, posing a potential public safety hazard and often leaving the eroded areas susceptible to further damage, greater repair costs, and loss of riparian vegetation.

To address this problem, the SERP Subcommittee was formed at the direction of the Interagency Flood Management Collaborative Program Group (Interagency Collaborative Group) on January 17, 2007. The subcommittee consists of a group of federal and state resource agency representatives charged with defining what constitutes a small erosion repair and determining appropriate repair designs that will adequately protect the levee system while avoiding substantial adverse effects on environmental resources. The subcommittee members have worked in concert to craft a program intended to improve current erosion repair practices, and thus to maintain the necessary level of flood risk reduction while seeking to achieve a cumulative net benefit to aquatic and terrestrial fish and wildlife resources, including habitat for sensitive species.

## **1.2 PURPOSE OF THE EIR AND PROGRAM-LEVEL ANALYSIS**

DWR has prepared this draft program environmental impact report (DEIR) to inform agencies and the public about the potential environmental effects of the SERP. This DEIR has been

prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and State CEQA Guidelines.

This DEIR is a “program” EIR intended to provide information at a general (or programmatic) level of detail on the potential impacts of implementing the SERP. As described by section 15168(a) et seq. of the CEQA Guidelines, a program EIR is one that may be prepared on a series of actions that can be characterized as one large project and that are related (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar effects that can be mitigated in similar ways. Because Phase 1 of the SERP involves the implementation of small erosion repairs at up to 15 unidentified sites each year for 5 years, a program-level EIR is the appropriate framework in which to address the project’s environmental impacts. The SERP Manual (included as Appendix B of this DEIR) includes a baseline assessment form, a notification form, and an implementation checklist that would assist DWR and the SERP permitting agencies in evaluating whether work at each individual site is fully covered by the environmental analysis in this DEIR. Any individual site repair that is not fully covered by the DEIR and programmatic permits would not be implemented under the SERP and would require independent environmental review or approval, although applicable portions of this DEIR could still be incorporated by reference in that individual site repair’s CEQA document as needed. Many repairs would be considered categorically exempt from CEQA under exemption classes 1, 2, and/or 4. For exempt projects, an EIR is only triggered where significant effects would occur due to unusual circumstances or in other situations specified in Guidelines Section 15300.2. Given the range of potential projects occurring in a variety of situations, a program EIR has conservatively been prepared to ensure full disclosure and analysis of the potential impacts.

Section 21151(a) of CEQA specifies that an agency must prepare an EIR for any project that it proposes to carry out or approve that may have a significant impact on the environment. The overall purpose of this DEIR is to fulfill the following CEQA objectives:

- ▶ identify significant effects on the physical environment,
- ▶ indicate the manner in which these significant effects can be mitigated to a less-than-significant level or avoided,
- ▶ identify alternatives to the proposed project that would avoid or reduce significant effects,
- ▶ disclose agency decision making,
- ▶ facilitate public involvement, and
- ▶ foster coordination among various governmental agencies.

An EIR provides information for use in the planning and decision-making process. The purpose of an EIR is not to recommend either approval or denial of a project. CEQA requires decision makers to balance the benefits of a proposed program against its unavoidable effects on the physical environment in deciding whether to carry out a program. If environmental effects are identified as significant and unavoidable, the proposed program still may be approved by the lead agency if it believes that the social, economic, or other benefits outweigh the significant and unavoidable impacts. The lead agency would then prepare findings of fact addressing means of reducing significant and unavoidable environmental effects and a statement of overriding considerations discussing the specific reasons for approving the program, based on information in the EIR and consideration of all other information in the administrative record.

### **1.3 LEAD AGENCY**

Under CEQA, the lead agency is the public agency with primary responsibility over the proposed program. In accordance with CEQA Guidelines section 15051(b)(1), “the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.”

DWR is serving as the lead agency for CEQA compliance on this proposed program and has coordinated with responsible and trustee agencies as appropriate. As lead agency under CEQA, DWR is principally responsible for conducting the environmental review process, including scoping, preparing appropriate environmental documentation, and obtaining required permits and other regulatory approvals. Following completion of the final EIR (FEIR), DWR will decide whether to certify the FEIR and whether to approve the program.

### **1.4 RESPONSIBLE, INTERESTED, AND TRUSTEE AGENCIES**

#### **1.4.1 RESPONSIBLE AND INTERESTED AGENCIES**

Responsible agencies are state and local public agencies other than the lead agency that have authority to carry out or approve a project, or that are required to approve a portion of the project for which a lead agency is preparing or has prepared an EIR. Other agencies, such as federal agencies, may be interested in the project because of possible environmental impacts that would affect their jurisdiction, but do not meet the definition of a responsible agency under CEQA. The following agencies are identified either as responsible agencies under CEQA for the proposed project or as interested agencies with whom DWR is coordinating:

- ▶ California Department of Fish and Wildlife (CDFW) (Responsible Agency)
- ▶ Central Valley Flood Protection Board (CVFPB) (Responsible Agency)
- ▶ Central Valley Regional Water Quality Control Board (RWQCB) (Responsible Agency)
- ▶ State Lands Commission (Responsible Agency)
- ▶ National Marine Fisheries Service (NMFS) (Interested Agency)

- ▶ U.S. Army Corps of Engineers (USACE) (Interested Agency)
- ▶ U.S. Fish and Wildlife Service (USFWS) (Interested Agency)

Agencies and their corresponding permits/approvals that may be required for the proposed project are identified in Table 1-1.

<b>Table 1-1</b> <b>SERP Authorizing Agencies, Authority, and Permits/Agreements</b>		
<b>Agency</b>	<b>Authority</b>	<b>Permit/Agreement</b>
U.S. Army Corps of Engineers	Clean Water Act section 404 Rivers and Harbors Act section 10	Regional General Permit (RGP)
U.S. Fish and Wildlife Service	Federal Endangered Species Act section 7 Fish and Wildlife Coordination Act Migratory Bird Treaty Act	Programmatic Biological Opinion Programmatic Not Likely to Adversely Affect Concurrence Letter
National Marine Fisheries Service	Federal Endangered Species Act Section 7 Magnuson-Stevens Fishery Conservation and Management Act Marine Mammal Protection Act	Programmatic Biological Opinion/Essential Fish Habitat Determination Programmatic Not Likely to Adversely Affect Concurrence Letter
State Historic Preservation Officer	National Historic Preservation Act section 106	Programmatic Agreement
Central Valley Regional Water Quality Control Board	Clean Water Act section 401	Section 401 Programmatic Water Quality Certification for RGP
California Department of Fish and Wildlife	California Fish and Game Code section 1600 et seq. California Endangered Species Act	Streambed Alteration Agreement for routine maintenance Agreement on avoidance and mitigation measures
State Lands Commission	State CEQA Guidelines section 15386(c)	Project review as trustee agency; may require lease to conduct work on state-owned sovereign lands such as the beds of navigable waters
Central Valley Flood Protection Board	California Water Code sections 8361 and 12878. California Code of Regulations Title 23 Division 1	SERP activities are operations and maintenance activities not requiring Board encroachment permits
Source: Compiled by AECOM in 2010		

## **1.4.2 TRUSTEE AGENCIES**

Trustee agencies under CEQA are designated public agencies with legal jurisdiction over natural resources that are held in trust for the people of the State of California. Trustee agencies may be involved in a project whether or not they have authority to approve or implement the project. CDFW is the trustee agency responsible for protecting fish and wildlife resources in the state. The State Lands Commission is the trustee agency with regard to state-owned "sovereign" lands such as the beds of navigable waters. Trustee agencies involved in reviewing or approving portions of this program are included in Table 1-1.

## **1.5 DOCUMENTS INCORPORATED BY REFERENCE**

Incorporation by reference is encouraged by CEQA (CEQA Guidelines, section 15150). CEQA requires a brief citation (below) and summary of the referenced material, as well as the public availability of this material. CEQA also requires citation of the state identification number of the previous EIRs cited (CEQA Guidelines, section 15150).

This PEIR incorporates by reference the environmental analysis and other information contained in the CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report, July 2000, State Clearinghouse #96032083 (CALFED FEIS/R) (CALFED 2000). The CALFED FEIS/R addresses a broad range of ecosystem quality, water supply, water quality, and levee system integrity issues, with a focus on the San Francisco Bay/Delta system but also with broader consideration of upstream areas in the Sacramento and San Joaquin River drainages. It is referenced in this PEIR to provide additional information about CALFED's broad-scale issues and planning efforts, cumulative activities, alternatives, and the associated direct, indirect, and cumulative environmental effects (both beneficial and potentially adverse). In particular, the CALFED Bay-Delta Program includes a Levee System Integrity Program Plan (CALFED 2008) that evaluates a range of levee integrity issues and solutions, and analyzes the potential environmental effects of those solutions. Mitigation strategies described in the CALFED FEIS/R have been adapted for purposes of this PEIR as appropriate. The executive summary of the CALFED FEIS/R is included as Appendix F, "CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report: Executive Summary." The full text of the CALFED FEIS/R is available online at [http://calwater.ca.gov/calfed/library/Archive\\_EIS.html](http://calwater.ca.gov/calfed/library/Archive_EIS.html), and in hard copy at the CALFED Bay-Delta Program Office at 1416 Ninth Street, Suite 1155, Sacramento, CA 95814.

This PEIR also incorporates by reference the environmental analysis and other information contained in the 2012 Central Valley Flood Protection Plan Consolidated Final Program Environmental Impact Report, June, 2012, State Clearinghouse #2010102044 (CVFPP FPEIR). The CVFPP FPEIR addresses a broad range of flood protection activities throughout

the Central Valley, including those areas that will be addressed by the SERP. It is referenced in this PEIR to provide additional information about the CVFPP's broad-scale issues and planning efforts, near- and long-term management actions, and the associated direct, indirect, and cumulative environmental effects (both beneficial and potentially adverse). Mitigation strategies described in the CVFPP FPEIR have been adapted for purposes of this PEIR as appropriate. The executive summary of the CVFPP FPEIR is included as Appendix G, "Central Valley Flood Protection Plan Consolidated Final Program Environmental Impact Report: Executive Summary." The full text of the CVFPP FPEIR is available online at <http://www.water.ca.gov/cvfm/documents.cfm>.

## **1.6 EIR SCOPE AND CONTENT**

As provided in CEQA Guidelines section 15126.2, "[a]n EIR shall identify and focus on the significant environmental effects of the proposed project." A notice of preparation (NOP) for the DEIR and an initial study (Appendix A) for the proposed program were circulated to agencies and the public beginning on November 25, 2009, for a 30-day review period that was extended because of the holiday season and ended on December 28, 2009. A scoping meeting was held on December 15, 2009.

In accordance with CEQA Guidelines section 15126.2, this DEIR focuses on the following issue areas for which the proposed program may have significant adverse impacts on the environment:

- ▶ air quality and climate change,
- ▶ biological resources,
- ▶ cultural resources,
- ▶ geology, soils, and paleontological resources,
- ▶ hydrology and water quality,
- ▶ noise, and
- ▶ cumulative impacts (including greenhouse gas emissions).

Alternatives to the proposed program, including the No-Project Alternative and alternatives considered and rejected, are also evaluated.

The scope of the DEIR was developed based on the SERP's initial study (Appendix A of this DEIR), which was based on the CEQA Guidelines Appendix G, "Environmental Checklist"; previous environmental documents on similar projects; conversations with DWR staff; and identified agency concerns and input received during public scoping. These considerations support the conclusion that the remaining issue areas need not be addressed in the DEIR, with the exception of any potentially significant cumulative effects, because the proposed program can reasonably be determined not to have a potentially significant or significant direct or indirect environmental impact in the following areas:

- ▶ aesthetics,
- ▶ agricultural resources,
- ▶ hazards and hazardous materials,
- ▶ land use,
- ▶ public services,
- ▶ recreation,
- ▶ traffic/transportation, and
- ▶ utilities and service systems.

Since preparation of the initial study for SERP, Appendix G of the CEQA Guidelines has been revised to include thresholds for potential impacts on forestry resources: Section II, “Agriculture and Forestry Resources”. As described in Section 3.3, “Biological Resources,” the vegetation types within the Phase 1 SERP coverage area include riparian forest, riparian scrub/shrub, riparian herbaceous, emergent marsh, agricultural, ruderal vegetation, and bare ground. The only vegetation type within the Phase 1 SERP coverage area that would be considered as forestry resources would be riparian forest. Potential impacts to riparian forest are addressed in Section 3.2, “Biological Resources.” No other forestry or timber resources would be affected by implementation of Phase 1 of SERP. Therefore, in addition to the topics listed above, other forestry and timber resources (other than riparian forest) are not addressed in the DEIR.

## **1.7 EIR REVIEW PROCESS**

This DEIR is being circulated to federal, state, and local agencies involved with the proposed program and made available to interested organizations and individuals who may wish to review and comment on the document. The 45-day public review period begins on March 20, 2013, and ends on May 3, 2013. During that period, written comments on the environmental document may be sent to DWR at the following physical address or email address:

Jeff Schuette  
California Department of Water Resources  
Division of Flood Management  
3310 El Camino Avenue, Suite 100  
Sacramento, CA 95821  
E-mail: [jschuett@water.ca.gov](mailto:jschuett@water.ca.gov)

Copies of the DEIR can be reviewed at

<http://www.water.ca.gov/floodmgmt/fmo/msb/smallerosionrepairs.cfm>.

California Department of Water Resources  
Division of Flood Management  
3310 El Camino Avenue, Suite 100  
Sacramento, CA 95821  
9am-5pm Monday through Friday

Chico Branch Library  
1108 Sherman Avenue  
Chico, CA 95926  
9am-5pm Monday, Friday and Saturday  
9am-7pm Tuesday through Thursday

Sacramento Public Library, Central Library  
828 I Street  
Sacramento, CA 95814  
12pm-5pm Sunday  
10am-8pm Tuesday  
10am-6pm Wednesday through Thursday  
12pm-6pm Friday  
10am-5pm Saturday

Sutter County Free Library  
750 Forbes Avenue  
Yuba City, CA 95991  
10:00am-7:00pm Monday through Thursday  
10:00am-5:00pm Friday & Saturday

Rio Vista Library  
44 South Second Street  
Rio Vista, CA 94571  
10am-6pm Monday and Wednesday  
10am-9pm Tuesday and Thursday  
10am-5pm Friday and Saturday

Following receipt of comments and the close of the public comment period, DWR will prepare a FEIR that considers and responds to comments on significant environmental issues in the DEIR. The FEIR will be circulated for at least 10 days prior to EIR certification to public agencies that submitted comments.



## 1.8 EIR ORGANIZATION

This DEIR is organized into the following chapters:

- ▶ The **Summary** summarizes the EIR process and the objectives of the proposed program; provides a brief overview of the program description; describes the program alternatives; identifies areas of controversy; and summarizes the next steps in the public review process. The Summary contains a table that summarizes the significance of the environmental impacts that would result from the proposed program. The table details the significance findings before and after implementing mitigation measures. It also details the mitigation measures proposed to avoid, minimize, rectify, reduce or eliminate, or compensate for identified significant impacts.
- ▶ **Chapter 1, “Introduction,”** provides an overview of the proposed program; describes the purpose of the EIR; identifies lead, responsible, trustee, and interested agencies; lists potentially required permits and approvals; discusses the focus of the EIR; details the public review process for the EIR; and outlines the organization of the EIR.
- ▶ **Chapter 2, “Description of the Proposed Program,”** identifies the program coverage area and setting; describes the background of and need for the proposed program; provides context relating to previous environmental documents and their relationship to this DEIR; identifies the objectives of the proposed program; and describes the program characteristics, including elements of the design templates, construction process, and permit coverage.
- ▶ **Chapter 3, “Environmental Impact Analysis,”** is divided into six sections by environmental issue area (i.e., air quality and climate change, biological resources; cultural resources; geology, soils, and paleontological resources; hydrology and water quality; and noise). For each environmental issue area, the section describes the existing environmental setting (i.e., baseline conditions) and regulatory framework, presents significance criteria or thresholds for determining the significance of impacts, evaluates environmental impacts on the physical environment associated with the proposed program, identifies mitigation for any potentially significant and significant impacts, and identifies the level of significance following implementation of the mitigation.
- ▶ **Chapter 4, “Alternatives,”** describes alternatives to the proposed program, including the No-Project Alternative and potentially feasible alternatives that would avoid, reduce, or eliminate significant impacts identified in Chapter 3, and identifies the environmentally superior alternative. Alternatives that have been proposed and rejected from further consideration are also identified, along with an explanation of the reasons for their rejection. Alternatives are not analyzed at the same level of detail as the proposed program, consistent with the provisions of CEQA Guidelines section 15126.6(d).

- ▶ **Chapter 5, “Other CEQA-Required Sections,”** discusses cumulative impacts (including impacts of greenhouse gas emissions) that could result from implementing the proposed program in combination with other past, present, and reasonably foreseeable future projects in the area; discusses the potential for the proposed program to induce growth; discloses any significant and unavoidable impacts identified in the environmental impact analysis; and describes the potential for the proposed program to result in a significant and irreversible commitment of resources.
- ▶ **Chapter 6, “References,”** lists published references and other sources of information used to prepare the EIR, including the CVFPP PEIR, Web sites, agencies, and individuals consulted during EIR preparation.
- ▶ **Chapter 7, “List of Preparers,”** identifies the persons involved with preparation of this EIR.
- ▶ **Chapter 8, “Acronyms and Abbreviations,”** provides the reader with an easy source of definitions for all the acronyms and abbreviations used in the EIR.
- ▶ **Appendices** include the NOP and initial study (Appendix A), the SERP Manual (Appendix B), air quality modeling analyses (Appendix C), Section 106 of the National Historic Preservation Act process under the proposed programmatic agreement (Appendix D), noise modeling analyses (Appendix E), the Executive Summary of the CALFED FEIS/R (Appendix F), and the Executive Summary of the CVFPP PEIR (Appendix G).